United Nations A/67/539

General Assembly

Distr.: General
22 October 2012

Original: English

Sixty-seventh session
Agenda item 130
Programme budget for the biennium 2012-2013

Use of private security

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 113 of General Assembly resolution 66/246, in which the Assembly requested the Secretary-General to review the appropriateness of the use of private security personnel, particularly in situations in which they were the only option available to provide safety and security for staff, and to report thereon to the Assembly at its sixty-seventh session.

The Secretary-General provides herein information on the Organization's review of the appropriate use of private security companies. He highlights the background to the Organization's use of private security, its efforts to review the appropriateness of the use of private security as the last resort to provide safety and security for United Nations personnel and the latest developments in efforts by organizations of the United Nations system to establish criteria, a policy and guidelines on the use of armed private security companies in order to ensure due diligence in their use, respect for the Charter of the United Nations and international law, including human rights and humanitarian law, and compliance with United Nations administrative policies and procedures.

12-56196 (E) 021112

Please recycle

I. Introduction

1. In paragraph 113 of its resolution 66/246, the General Assembly requested the Secretary-General to review the appropriateness of the use of private security personnel, particularly in situations in which they were the only option available to provide safety and security for staff, and to report thereon to the Assembly at its sixty-seventh session.

2. In the present report, the Secretary-General highlights the background to the Organization's use of private security companies, both armed and unarmed, its efforts to review the appropriateness of the use of private security as the last resort to provide safety and security for United Nations personnel[1] and the latest developments in efforts by organizations of the United Nations system to establish criteria, a policy and guidelines on the use of armed private security companies in order to ensure due diligence in their use, respect for the Charter of the United Nations, international law, including human rights and humanitarian law, and relevant United Nations resolutions, including General Assembly resolution 55/232 on outsourcing practices, and compliance with United Nations administrative policies and procedures.

II. Background

3. The United Nations has long used private security companies, mostly involving unarmed local contractors to secure premises for the protection of United Nations personnel and/or assets against criminal activities. In recent years, however, faced with demands from Member States to carry out mandates and programmes in high-risk environments, in addition to increased evidence that the United Nations is a specific target in some such environments, organizations of the United Nations system have, as a last resort, contracted armed private security companies to protect United Nations personnel, premises and assets. This has occurred where there was no other means to ensure the protection of United Nations personnel and operations by the host Government, Member States or the United Nations system. The use of armed private security companies has enabled operations in situations in which there was a mandated need for the United Nations system to carry out its work, such as in complex emergency situations and post-conflict or conflict areas.

4. In response to changes in the international security landscape and the increased demand for United Nations operations in high-risk areas, the use of private security companies has, in some cases, expanded to include the provision of armed guards and armed escorts. Consequently, a critical need arose for the Organization to develop a common United Nations system-wide policy, criteria and guidelines for the appropriate use of armed private security companies as the last

[1] For the purpose of the present report, the term "United Nations personnel" refers to all personnel covered by the United Nations security management system, including United Nations system personnel, United Nations Volunteers, individually deployed military and police personnel in missions led by the Department of Peacekeeping Operations or Department of Political Affairs, consultants, individual contractors, experts on mission and other officials with a direct contractual agreement with an organization of the United Nations system. The term does not refer to military members of national contingents or members of formed police units when deployed with their contingent.

resort in protecting United Nations personnel, assets and operations. At the same time, the international community recognized that there was a need to establish international standards and a code of conduct for the use of private security companies.

5. From 2007 until recently, the United Nations security management system had in place only guidelines on the use of armed guards, set out in the United Nations Field Security Handbook (2006), which were the only guidelines covering the use of armed private security personnel.

6. In August 2010, in its report to the General Assembly, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, said that the United Nations lacked a firm system-wide policy governing the hiring of private military and security companies, including issues related to the vetting and monitoring of the companies and their personnel. It advised the Organization to take precautionary measures to ensure that, if and when it outsourced its security and protection functions, it did so in accordance with the Charter and with international human rights standards and with proper management and oversight (A/65/325, para. 31).

7. Meanwhile, the United Nations security management system[2] has evolved in recent years to the point where there is an effective system in place for evaluating threat and risk and to implement appropriate mitigating measures to reduce risks against the United Nations system. In 2002, the Secretary-General introduced a framework for accountability for the United Nations security management system (A/57/365) as the cornerstone of security-related responsibilities and accountability for decisions and actions at all levels. He then issued a report in 2010 containing a revised version of the framework (A/65/320 and Corr.1). After the General Assembly took note of that report, including the revised framework, in its resolution 65/259, the revised framework was disseminated throughout the United Nations security management system in 2011.

8. In May 2011, cognizant that there was a need to review the appropriateness of the use of armed private security companies and their personnel, the Secretary-General decided, on the basis of consultations within the United Nations system, that the Organization should resort to the use of armed private security companies and their personnel only as the last option to enable United Nations activities in high-risk environments; that the United Nations should exercise that option only when a United Nations security risk assessment had concluded that other alternatives, including protection by the host country, other support from Member States or internal United Nations system resources, were insufficient; and that the use by the United Nations of an armed private security company should be consistent with national and international law, the Charter and relevant United Nations resolutions, including General Assembly resolution 55/232 on outsourcing practices, and relevant United Nations administrative policies and guidelines.

9. Moreover, the following criteria were established for the use of armed private security companies:

[2] The United Nations security management system is applicable to and includes all organizations of the United Nations system and a small number of other non-United Nations entities that have signed a memorandum of understanding with the United Nations on security management.

(a) The decision to contract an armed private security company should be taken in accordance with existing approval processes and accountability mechanisms for all security-related decisions;

(b) The United Nations should use services provided by armed private security companies only to cover guarding of personnel at United Nations facilities and mobile armed escorts;

(c) An armed private security company contracted by the United Nations should come under the clear authority and direction of the appropriate organization of the United Nations system with specific policies and guidelines for the United Nations security management system;

(d) In procuring the services of an armed private security company, the United Nations should ensure adherence to the Financial Regulations and Rules and procurement policies and procedures and should choose only companies that meet agreed criteria according to the established vetting standards and mechanisms.

10. The Department of Safety and Security was tasked with the responsibility of developing, together with the Inter-Agency Security Management Network, appropriate policies and guidelines on the use of armed private security companies that would be applicable to all organizations of the United Nations system.

III. Recent developments

11. To implement the above-mentioned decision of the Secretary-General, the Inter-Agency Security Management Network established a working group on 18 August 2011, under the chairship of the Department of Safety and Security, to develop a draft policy and guidelines on the use of armed private security companies that would be applicable within the United Nations security management system.

12. The working group reviewed issues pertinent to the use of armed private security companies and their personnel and developed a draft policy that proposes a clear decision-making framework and addresses accountability issues regarding the use of armed private security companies by the United Nations. The draft policy provides the structure for determining whether the services of armed private security companies and their personnel are required and sets out the necessary criteria to be met. It states that such companies may be used only in circumstances in which the provision of armed security by the host country, a Member State or Member States or the use of United Nations resources is not possible or appropriate. It emphasizes the need for strict use-of-force protocols (as found in the Security Policy Manual, adopted in 2011) and describes the management and oversight responsibilities of the United Nations in line with the framework for accountability of the United Nations security management system.

13. Following a rigorous process of inter-agency and interdepartmental review, in June 2012, the Inter-Agency Security Management Network adopted a policy and guidelines governing the use of armed private security companies. The policy specifies that the United Nations system may use services provided by armed private security companies only to protect United Nations personnel, premises and property and to provide mobile protection for United Nations personnel and assets. The main elements of this policy include the above-mentioned criteria for the use of

armed private security companies, which are in accordance with international law and in compliance with the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict.[3] The policy outlines the procurement process, including the establishment of a model contract, statement of works and the mechanisms for ensuring accountability at all levels within the United Nations security management system.

14. In September 2012, the High-level Committee on Management endorsed the policy, guidelines, model contract and statement of works on the use of armed private security companies for submission to the United Nations System Chief Executives Board for Coordination in November 2012.

IV. Observations

15. **In high-risk environments, the use of private security is but one tool to protect United Nations personnel and assets and enable the delivery of mandated programmes. By common agreement and policy, it is a tool for use only when other possibilities have been exhausted.**

16. **The development of a common policy on the use of armed private security companies, which is the final stages of approval, is an important contribution to the Organization's efforts to ensure accountability at all levels.**

17. **The Organization remains committed to focusing its attention on tackling operational and policy challenges relating to the appropriate use of armed private security companies and their personnel in order to ensure respect for international human rights and humanitarian law, adherence to internationally accepted standards of conduct and best practices for the use of private security companies and their personnel, and compliance with United Nations administrative policies and procedures.**

V. Action to be taken by the General Assembly

18. The General Assembly is requested to take note of the present report.

---

[3] The Montreux Document is an agreement regarding the obligations of signature countries in relation to private military and security companies operating in war zones. It was signed in Montreux, Switzerland, in September 2008. The document lists some 70 recommendations for State practices, such as verifying a company's track record, examining procedures used to vet staff, carrying out prosecutions when breaches of law occur and ensuring compliance with and training in international humanitarian and human rights law.